

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 178

CASE NO. 76-22

OCTOBER 13, 1977

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on June 20, 1977, to consider an application of Walter K. and C.W. Jaenicke, Nivan, Inc., Donald C. Reiley, III, and the John B. Harry Estate, for an amendment to the Zoning Map of the District of Columbia,

### FINDINGS OF FACT

1. The applicants have requested a Zoning Map change from R-2 to R-3 in square 1672 for lots 3,4,804 and 809, which are located on the south side of Ellicott Street between 42nd and 43rd Streets, N.W. The area of the site is approximately 28,716 square feet.

2. The proposed amendment to the Zoning Map will change the zoning of the subject property from R-2 (semi-detached dwellings, minimum lot area of 3,000 square feet) to R-3 (single family row dwellings, minimum lot area of 2,000 square feet).

3. The R-2 District was adopted in 1958 for the subject property and most of the property in the immediate area. Since that time no application for rezoning of this site has been requested. Between 1958 and 1968 the Zoning Commission denied a number of requests for rezoning in the area. In particular, a request for rezoning from R-2 residential use to commercial uses was denied without a hearing for properties located at the southeastern corner of Ellicott Street and Wisconsin Avenue as was a request for R-5-A zoning at the same location. In 1966 a request for rezoning from R-2 to R-5-A for property located at River Road and 42nd Street was also denied without a hearing.

4. In 1968 the Zoning Commission approved a rezoning from R-2 to R-4 for properties located at River Road and 42nd Street,

approximately three blocks south of the site. At the same time a change from R-2 to R-5-A zoning was approved for a portion of square 1730 just west of Wisconsin Avenue between River Road and 42nd Street. Portions of the R-5-A properties were rezoned once again in 1975 to C-1. In 1971 and 1972 requests for rezoning from R-2 to R-3 and R-2 to R-4 along River Road between 42nd and 43rd Streets were denied. In August of 1975 the Zoning Commission approved a request for R-4 zoning on the south side of River Road on two lots adjacent to the existing R-4 zone. Most recently, in Zoning Commission Case No. 76-13, the Commission extended the R-4 zoning an additional 75 feet along the south side of River Road between 42nd and 43rd Streets. In case No. 76-16, the Commission denied the further extension of R-4 along the remainder of that block, as premature at that time.

5. The subject site is included within the area of the Tenley Sectional Development Plan, which is currently being prepared by the Municipal Planning Office, assisted by other agencies and departments of the District Government, and the Tenley Community. The SDP process has been underway since August 1974 and has involved extensive contact with residents, commercial property owners and tenants, and representatives of institutions in the area. The planning area being used for the Tenley Plan is generally bounded by Fessenden Street on the north, Reno Road on the east, Upton Street and McLean Gardens on the south, and 44th Street on the west.

6. All of the alternatives which have been formulated to this time for the Tenley area have suggested that a transition area or buffer be developed between the commercial activities found along Wisconsin Avenue and the existing residential area to the west. The transition area may consist of a combination of park and open space, moderate density residential uses and institutional uses. This transition area or buffer can be provided through a number of different zoning alternatives; allowing moderately increased levels of residential density to occur between existing commercial and low density residential areas is one such alternative. The Tenley Community Advisory Group and the Municipal Planning Office, in formulating the Tenley SDP, have generally favored R-3 zoning in the area of this particular site.

7. Under the R-3 zoning approximately eleven row dwellings could be constructed, and the applicant plans to build to that limit. Since the existing R-2 zone would allow a maximum of eight dwelling units, there will be an increase of only three dwelling units allowed on the site.

8. The applicants intend to subdivide lot 809 and construct six row dwellings, and at some later date erect five additional units on lots 3,4, and 804, increasing the total number to eleven units.

9. The proposed zoning to R-3 will not conflict with surrounding residential uses, because the proposed use will be for one-family dwellings, in an area developed primarily with one-family detached and semi-detached dwellings. No additional uses other than a row dwelling would be permitted in the R-3 district which are not already permitted in the R-2 district,

10. The Municipal Planning Office, by report dated June 15, 1977 and by testimony presented at the hearing, recommended that the application be approved, citing as reasons the adequacy of existing public facilities, consistency with the planning work done for the Tenley SDP, and the desirability of creating a transition or buffer area between lower density residential areas to the west and the Wisconsin Avenue commercial corridor on the east.

11. The Commission finds that present services in the area regarding water, sewer systems, public schools, and street capacity, are adequate to accommodate this development under R-3 zoning.

12. There was opposition to this case at the public hearing, on the grounds that the development of eleven row houses would create a substantial increase in traffic, on-street parking, pollution, and noise. Several individuals also noted that the Department of Environmental Services would have to pick up refuse from the front of any homes developed on the subject property, since there is no access to the rear by way of public or private alleys. The weight of the evidence in the record does not support the proposition that any substantial adverse environmental or traffic consequences will occur as a result of this rezoning.

13. The opposition also requested that no zoning changes be made in the area until the Sectional Development Plan (SDP) process is completed. Completion of the SDP process is not in sight, because economic and traffic studies which are not yet underway must be completed before a draft SDP can be presented to the Zoning Commission.

14. Advisory Neighborhood Commission 3-E opposed the application on the grounds that the proposed re-zoning would constitute spot zoning and would not be in the best interest of the community.

15. The application was referred to National Capital Planning Commission, under the terms of the District of Columbia Self-Government and Governmental Reorganization Act and the National Capital Planning Commission reported that the proposed amendment would not have a negative impact on the interests and functions of the Federal Establishment within the National Capital and would not be inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. This action is in accordance with the Zoning Act (Act of June 20, 1938, 52 stat. 797), by furthering the general public welfare and serving to stabilize and improve the area.

2. This rezoning will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.

3. The requested R-3 zoning would provide additional development potential which if fully utilized will not have an adverse impact on the surrounding residential neighborhood.

4. There are adequate public facilities to serve development under the proposed zoning.

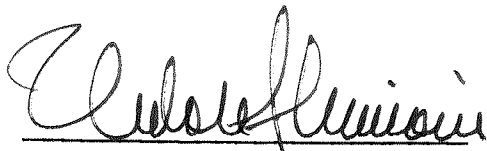
5. The proposed rezoning is consistent with the planning done for the Tenley Sectional Development Plan being prepared by the Tenley Community and the District Government.

#### DECISION

In consideration of the Findings and Conclusions herein, the Commission therefore hereby orders ADOPTION of the following amendment to the Zoning Map:

Change from R-2 to R-3, Lots 3,4,804 and 809 in Square 1672, in the 4200 block of Ellicott Street, N.W., comprising approximately 28,716 square feet,

Vote of the Commission taken at the public meeting of August 11, 1977: 3-0 (Ruby B. McZier, John G. Parsons and Walter B. Lewis to adopt, Theodore F. Mariani and George M. White, not present not voting)



THEODORE F. MARIANI  
Chairman



STEVEN E. SHER  
Executive Director

This Order was adopted by the Zoning Commission at its public meeting held on October 13, 1977 by a Vote of 5-0 (John G. Parsons, Walter B. Lewis, Theodore F. Mariani, Ruby B. McZier and George M. White to ADOPT).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this Order is effective on 20 OCT 1977.